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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Letter dated 23 November 1993 from the Permanent Representatives of Argentina, Belgium, Canada, China, Costa Rica, Egypt, Hungary, the Russian Federation, Senegal, Sweden and Thailand to the United Nations addressed to the Secretary-General

On the invitation of the Government of Switzerland, an International Conference for the Protection of War Victims took place at Geneva from 30 August to 1 September 1993, at which 160 States, the United Nations and other participants took part. The Conference emphasized the confirmation and the maintenance of, as well as respect for, obligations derived from international humanitarian law. It succeeded in raising the consciousness with respect to those problems and in enhancing the sense of responsibility.

At the end of the Conference, the States adopted a solemn Final Declaration on their obligations under international humanitarian law. The undersigned representatives have the honour to transmit, attached, a copy of this Declaration in each of the six languages of the United Nations (see annex).

In order to disseminate the Geneva Declaration on an universal level, Switzerland, host and president of the Conference, has taken the initiative to circulate it as an official document of the United Nations. The representatives of the Member States mentioned below support this proposal and should be grateful if you would circulate the text of the present letter and its annex as an official document of the General Assembly under agenda item 142.

(Signed) Dr. Emilio J. CARDENAS
Permanent Representative
of Argentina

(Signed) Paul NOTERDAEME
Permanent Representative
of Belgium

(Signed) Louise FRECHETTE
Permanent Representative
of Canada

(Signed) LI Zhaoxing
Permanent Representative
of China

(Signed) Cristian TATTENBACH
Permanent Representative
of Costa Rica

(Signed) Dr. Nabil A. ELARABY
Permanent Representative
of Egypt

(Signed) André ERDOS
Permanent Representative
of Hungary

(Signed) Yuliy M. VORONTSOV
Permanent Representative
of the Russian Federation

(Signed) Kéba Birane CISSE
Permanent Representative
of Senegal

(Signed) Peter OSVALD
Permanent Representative
of Sweden

(Signed) Nitya PIBULSONGGRAM
Permanent Representative
of Thailand

ANNEX

International Conference for the Protection of War Victims

Geneva, from 30th August to 1st September 1993

DECLARATION ADOPTED BY PLENARY SESSION ON SEPTEMBER 1ST, 1993

The participants in the International Conference for the Protection of War Victims, held in Geneva from August 30 to September 1, 1993, solemnly declare the following:

I

1. We refuse to accept that war, violence and hatred spread throughout the world, and fundamental rights of persons are violated in an increasingly grave and systematic fashion. We refuse to accept that wounded are shown no mercy, children massacred, women raped, prisoners tortured, victims denied elementary humanitarian assistance, civilians starved as a method of warfare, obligations under international humanitarian law in territories under foreign occupation not respected, families of missing persons denied information about the fate of their relatives, populations illegally displaced, and countries laid to waste.

2. We refuse to accept that, since war has not been eradicated, obligations under international humanitarian law aimed at limiting the suffering caused by armed conflicts are constantly violated. We vigorously condemn these violations which result in a continued deterioration of the situation of persons whom the law is intended to protect.

3. We refuse to accept that civilian populations should become more and more frequently the principal victims of hostilities and acts of violence perpetrated in the course of armed conflicts, for example where they are intentionally targeted or used as human shields, and particularly when they are victims of the odious practice of "ethnic cleansing". We are alarmed by the marked increase in acts of sexual violence directed notably against women and children and we reiterate that such acts constitute grave breaches of international humanitarian law.

4. We deplore the means and methods used in the conduct of hostilities which cause heavy suffering among civilians. In that context we reaffirm our determination to apply, to clarify and, where it is deemed necessary, to consider further developing the existing law governing armed conflicts, in particular non-international ones, in order to ensure more effective protection for their victims.

5. We affirm the necessity to reinforce, in accordance with international law, the bond of solidarity that must unite mankind against the tragedy of war and in all efforts to protect the victims thereof. In that spirit, we support peaceful bilateral and multilateral initiatives aimed at easing tensions and preventing the outbreak of armed conflicts.

6. We undertake to act in cooperation with the UN and in conformity with the UN Charter to ensure full compliance with international humanitarian law in the event of genocide and other serious violations of this law.

7. We demand that measures be taken at the national, regional and international level to allow assistance and relief personnel to carry out in all safety their mandate in favour of the victims of an armed conflict. Stressing that peace-keeping forces are bound to act in accordance with international humanitarian law, we also demand that the members of peace-keeping forces be permitted to fulfil their mandate without hindrance and that their physical integrity be respected.

II

We affirm our responsibility, in accordance with Article I common to the Geneva Conventions, to respect and ensure respect for international humanitarian law in order to protect the victims of war. We urge all States to make every effort to:

1. Disseminate international humanitarian law in a systematic way by teaching its rules to the general population, including incorporating them in education programmes and by increasing media awareness, so that people may assimilate that law and have the strength to react in accordance with these rules to violations thereof.

2. Organise the teaching of international humanitarian law in the public administrations responsible for its application and incorporate the fundamental rules in military training programmes, as well as military code books, handbooks and regulations, so that each combatant is aware of his or her obligation to observe and help enforce these rules.

3. Study with utmost attention practical means of promoting understanding of and respect for international humanitarian law in armed conflicts in the event that State structures disintegrate so that a State cannot discharge its obligations under that law.

4. Consider or reconsider, in order to enhance the universal character of international humanitarian law, becoming party or confirming their succession, where appropriate, to the relevant treaties concluded since the adoption of the 1949 Geneva Conventions, in particular:

   - the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 (Protocol I);
   - the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts of 8 June 1977 (Protocol II);
   - the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its three Protocols;
   - the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.

5. Adopt and implement, at the national level, all appropriate regulations, laws and measures to ensure respect for international humanitarian law applicable in the event of armed conflict and to punish violations thereof.

6. Contribute to an impartial clarification of alleged violations of international humanitarian law and, in particular, consider recognizing the competence of the International Fact-Finding Commission according to Article 90 of Protocol I mentioned in Part II, paragraph 4 of this Declaration.

7. Ensure that war crimes are duly prosecuted and do not go unpunished, and accordingly implement the provisions on the punishment of grave breaches of international humanitarian law and encourage the timely establishment of an appropriate international legal machinery, and in this connection acknowledge the substantial work accomplished by the International Law Commission concerning the creation of an international criminal court. We reaffirm that States which violate international humanitarian law shall, if the case demands, be liable to pay compensation.

8. Improve the coordination of emergency humanitarian actions in order to give them the necessary coherence and efficiency, provide the necessary support to the humanitarian organisations entrusted with granting protection and assistance to the victims of armed conflicts and supplying, in all impartiality, victims of armed conflicts with goods or services essential to their survival, facilitate speedy and effective relief operations by granting those humanitarian organisations access to the affected areas, and take the appropriate measures to enhance respect for their safety, security and integrity, in conformity with applicable rules of international humanitarian law.

9. Increase respect for the emblems of the red cross and red crescent as well as for the other emblems provided for by international humanitarian law and protecting medical personnel, objects, installations and means of transport, religious personnel and places of worship, and relief personnel, goods and convoys as defined in international humanitarian law.

10. Reaffirm and ensure respect for the rules of international humanitarian law applicable during armed conflicts protecting cultural property, places of worship and the natural environment, either against attacks on the environment as such or against wanton destruction causing serious environmental damage; and continue to examine the opportunity of strengthening them.

11. Ensure the effectiveness of international humanitarian law and take resolute action, in accordance with that law, against States bearing responsibility for violations of international humanitarian law with a view to terminating such violations.

12. Take advantage of the forthcoming Conference for the review of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and the three Protocols thereto, which provides a platform for wider accession to this instrument, and consider strengthening existing law with a view to finding effective solutions to the problem of the indiscriminate use of mines whose explosions maim civilians in different parts of the world.

With this Declaration in mind, we reaffirm the necessity to make the implementation of international humanitarian law more effective. In this spirit, we call upon the Swiss Government to convene an open-ended intergovernmental group of experts to study practical means of promoting full respect for and compliance with that law, and to prepare a report for submission to the States and to the next session of the International Conference of the Red Cross and Red Crescent.

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In conclusion we affirm our conviction that, by preserving a spirit of humanity in the midst of armed conflicts, international humanitarian law keeps open the road to reconciliation, facilitates the restoration of peace between the belligerents, and fosters harmony between all peoples.